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3                   UNITED STATES DISTRICT COURT  
4                   WESTERN DISTRICT OF WASHINGTON  
5                   AT TACOMA

6 DANIEL C. CARTER,

7                   Plaintiff,

No. C11-5626 RJB/KLS

8                   v.  
9 WASHINGTON DEPARTMENT OF  
10 CORRECTIONS, ELDON VAIL,  
RONALD FRAKER, BRENT  
CARNEY, JAY A. JACKSON, and  
JAMIE CALLEY,

11                   Defendants.

12 ORDER GRANTING LEAVE TO FILE  
LATE REPLY

13 Pending before the Court is Defendants' motion for summary judgment, which is  
14 presently noted for November 16, 2012. ECF No. 38. Therefore, Plaintiff's response to the  
15 motion was due on November 12, 2012. On November 16, 2012, Plaintiff filed a motion for  
16 leave to file his reply brief past the deadline. ECF No. 41. He also filed a Declaration, which  
17 appears to be his response in opposition to Defendants' motion for summary judgment. ECF No.  
18 42. Plaintiff states that he attempted to mail his response in a timely manner, but it was returned  
19 to him by prison authorities for failure to attach a "postage transfer" form. *Id.*  
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21                 Accordingly, it is **ORDERED**:

22 (1) Plaintiff's motion for leave to file reply (ECF No. 41) is **GRANTED**. The Court  
23 will consider the Declaration (ECF No. 42) as having been timely filed.  
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ORDER- 1

(2) Defendants may file a reply **on or before December 10, 2012**. The Clerk is directed to **re-note** Defendants' motion for summary judgment (ECF No. 38) for **December 10, 2012**.

(3) The Clerk shall send copies of this Order to Plaintiff and to counsel for Defendants.

**DATED** this 30th day of November, 2012.

  
Karen L. Strombom  
United States Magistrate Judge

## ORDER- 2